



February 20, 2009

SENATE BILL No. 278

DIGEST OF SB 278 (Updated February 17, 2009 4:17 pm - DI 106)

Citations Affected: IC 35-43; noncode.

Synopsis: Retail theft. Makes it commercial theft, a Class C felony, for a person to exert unauthorized control over another person's property having a fair market value of at least one thousand dollars (\$1,000), if the offense is committed: (1) at a location where business is regularly conducted; and (2) with the intent to resell the property.

Effective: July 1, 2009.

Head, Taylor

January 7, 2009, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.
February 19, 2009, amended, reported favorably — Do Pass.

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SB 278—LS 6844/DI 106+



February 20, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE BILL No. 278

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-43-4-2.4 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2009]: **Sec. 2.4. (a) As used in this section, "commercial**
4 **establishment" means any place where business is regularly**
5 **conducted. The term includes any part of a dwelling where**
6 **business is regularly conducted.**

7 **(b) A person who exerts unauthorized control over another**
8 **person's property with a fair market value of at least one thousand**
9 **dollars (\$1,000):**

10 **(1) at a commercial establishment; and**
11 **(2) with the intent to resell the property;**
12 **commits commercial theft, a Class C felony.**

13 SECTION 2. [EFFECTIVE JULY 1, 2009] IC 35-43-4-2.4, as
14 added by this act, applies only to crimes committed after June 30,
15 2009.

SB 278—LS 6844/DI 106+



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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 278, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 3, delete ""retail" and insert ""**commercial**".

Page 1, delete lines 4 through 7 and insert "**means any place where business is regularly conducted. The term includes any part of a dwelling where business is regularly conducted.**".

Page 1, line 11, delete "retail" and insert "**commercial**".

Page 1, line 13, delete "retail" and insert "**commercial**".

and when so amended that said bill do pass.

(Reference is to SB 278 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 5, Nays 1.

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